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Docket No. F-8309

JUN 18 2008 Ser. No. 10/502,303

**REMARKS**

Claims 1-4 remain pending in this application. Claims 1-4 are rejected. Claims 5-15 are previously cancelled. Claims 1, 2 and 4 are amended herein to clarify the invention.

**INTERVIEW ACKNOWLEDGMENT**

The applicant and applicant's attorney appreciate the Examiner's granting of the telephone interview conducted on May 21, 2008, and extend their thanks to the Examiner for his time and consideration. During the interview proposed claim amendments were presented and agreement was reached that the amendments distinguished over the applied. This is discussed below with regard to the claim rejections.

Further agreement was reached that if the proposed amendments were filed with a Request for Continued Examination, a first Office Action issuing after the RCE filing would not be made final. Applicant submits that the amendments filed herein accurately reflect the proposed amendments submitted to the Examiner with only minor further amendments to correct slight informalities which became evident prior to filing this amendment.

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**CLAIM REJECTIONS UNDER 35 U.S.C. § 102(b)**

Claims 1-4 are rejected under 35 U.S.C. § 102(b) as being anticipated by by the JP 2000-215483 ('483 reference). Applicant herein respectfully traverses these rejections. "Anticipation requires the presence in a single prior art reference disclosure of each and every element of the claimed invention, *arranged as in the claim.*" *Lindemann Maschinenfabrik GmbH v. American Hoist & Derrick Co.*, 221 USPQ 481, 485 (Fed. Cir. 1984) (emphasis added). It is respectfully submitted that the cited reference is deficient with regard to the following.

During the interview the Examiner's interpretation of "terminal contact," used in the claim, as including reading on the combination of terminal pieces 6 and 7 in combination with the connector 10 and cable 11 was discussed. Since the cable 11 of the reference extended through a hole in the molding the Examiner considered the configuration as being such that the claim language could be read on it.

In order to further prosecution, claims 1 and 2 are now amended to avoid such a reading. In particular, claim 1 recites:

said molded resin member at least having openings at said positive and negative terminal contact surfaces, said openings and said positive and negative terminal contact surfaces being configured such that *said positive and negative terminal contact surfaces are sunken relative to said molded resin member outer*

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*surface* so as to expose said positive and negative terminal contact surfaces to outside said battery through voids defined by said openings.

The particular language italicized above was discussed in the interview and originally used the word "recessed" instead of "sunken." In view of the Examiner's preference for the term "sunken," this term is now adopted in the claim language. The claim language requires that the terminal contact surfaces be sunken relative to the outer surface of the upper molded resin member. Thus, the surface do not extend beyond the outer surface in contrast to the cable 11 of the prior art.

Still further, the contact surfaces are exposed through voids defined by the openings in the upper molded resin member. Being exposed through the voids is a configuration which does not read on passing the cable 11 of the '483 reference through a hole. In the '483 reference, the cable has passed through a hole and is thus already exposed outside the battery without the exposure being through a void of an opening. This is because the surface of the cable exposed is already outside the molded resin member and certainly not sunken in the molded resin member and is not exposed through the opening. In contrast the claimed contact surfaces are sunken relative to the molded resin member.

Claim 2 also includes the above noted language relating that the terminal contacts are sunken relative to an outer surface of the upper molded resin member.

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Claim 4 was also discussed in the interview. It was understood that the Examiner considered to term "bendable" not to define over material which may be bent. It was explained that the proposed amendment now positively introduced the "hinge structures" 102 shown in Fig. 24. Hence, it is respectfully submitted that the claim as now amended cannot read on any material that is merely "bendable" since "hinge structures" are now recited positively and require a configuration designed to permit hinge motion. Applicant has modified the original proposed language of claim 4 to still more positively recite the "hinge structure" and has not made any changes outside the concept discussed in the interview.

In view of the above, it is respectfully submitted that claims 1-4 particularly describe and distinctly claim elements not disclosed in the cited reference. Therefore, reconsideration of the rejections of claims 1-4 and their allowance are respectfully requested.

#### **REQUEST FOR EXTENSION OF TIME**

Applicant respectfully requests a one month extension of time for responding to the Office Action. The fee of \$120 for the extension is provided for in the charge authorization presented in the PTO Form 2038, Credit Card Payment form, provided herewith.

If there is any discrepancy between the fee(s) due and the fee payment authorized in the Credit Card Payment Form PTO-2038 or the Form PTO-2038 is

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missing or fee payment via the Form PTO-2038 cannot be processed, the USPTO is hereby authorized to charge any fee(s) or fee(s) deficiency or credit any excess payment to Deposit Account No. 10-1250.

In light of the foregoing, the application is now believed to be in proper form for allowance of all claims and notice to that effect is earnestly solicited.

Respectfully submitted,  
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